With regard to the article of charge framed against him, Shri Jayathirtha Rao Bapu has put-forth the following defence.

(i) Shri Jayaraj, approached him on 16th January 1976 at about 1.00 p. m. and offered Rs. 300/- when Shri Jayathirtha Rao Bapu pushed the money with his hands and asked him to take back the money, and then went to the Bath-room for spitting leaving his coat on the chair as he was wont to do. When he returned from the bath-room he found that Shri Jayaraj was not in his Chambers and that the money which was on his table was also missing. After a few minutes, the Deputy Superintendent of Police along with Panchayatdars and Shri Jayaraj entered his chambers and asked him whether he had received money from Shri Jayaraj. He was stunned, surprised, and flabbergasted at the suggestion of the Deputy Superintendent of Police and he placed his left hand in the inside right side coat pocket to findout whether really ther money had been planted inside the coat pocket. Though he was not willing, under compulsion of the Deputy Superintendent of Police, he took out the money from his pocket and handed over the Deputy Superintendent of Police.

(ii) The entry of the name of Shri B. P. Patil found on the counter-foil of the cheque relates to the transaction he had with his friend, one Shri B. P. Siddalingaiah of Bijjahalli Village, Kanakapura Taluk, who is called Patil in his house.

The Inquiry Officer, conducted the enquiry and after analysing the oral and documentary evidences produced by the Disciplinary Authority and the A. G. O. has come to the conclusion that the charge framed against the A. G. O. is proved for the following reasons :—

(i) The A. G. O. was in a position to confer official favour on Shri Jayaraj.

(ii) The A. G. O. in his statement given immediately after incident in the presence of Panchayatdars has admitted to having received the money from Shri S. Jayaraj.

(iii) The plea of the A. G. O. that money was planted in his coat pocket when he was away for a few seconds in the bath-room is an after thought and cannot be believed.

(iv The fact that he tried to destroy the counter-foil of the cheque book lends support to the version of Shri Jayaraj that to strengthen his case for extracting illegal gratification, the A. G. O. had shown the counter-foil to Shri Jayaraj that on his behalf, the A. G. O. has already paid Rs. 500 to Shri B. P. Patil.

The Vigilance Commissioner, while forwarding the report of the Enquiry Officer, has recommended acceptance of the findings of the Inquiry Officer.

Government after due examination of all the connected records and the report of the Inquiry Officer and the recommendations of the Vigilance Commissioner have come to the conclusion that the charge framed against the officer is proved for the following reasons :—

(1) The fact of acceptance of money by the A. G. O. is clearly proved by the phenolpthalein test and the money in the currency notes which tallied with the numbers indicated in the entrustment mahazar was found on his person.

(2) The plea of the officer that the money was planted in his coat pocket which was not mentioned in the earlier statement is only an after thought.

(3) The fact that he tried to tear up the counterfoil of the cheque book clearly indicates an attempt on his part to destroy the evidence in his case thus establishing the guilt.

ORDER No. DPAR 21 SGO 76 BANGALORE, DATED 1ST MAY 1979.

In exercise of the powers conferred on it under Rule 14-A (1) (e) of the K. C. S. (Classification, Control and Appeal) Rules, 1957 the Government hereby order that Shri Jayathir ha Rao Bapu, Under Secretary to Government (formerly working on other Duty as Deputy Director of Collegiate Education) Rural Development and Co-operation Department be and is hereby compulsorily retired from service with immediate effect.

By Order and in the name of the Governor of Karnataka

K. P. SURENDRANATH,
Joint Secretary to Government,
Department of Personnel and Administrative Reforms
(Personnel Division).